

**REMARKS**

The Applicants appreciate the allowance of claims 1-4, 7-10, 13, 14, and 18, and the indication at paragraph 10 of the Final Office Action that claims 5, 6, 11, 12, 15, and 16 are directed to allowable subject matter. In view of the following arguments, the Applicants respectfully request reconsideration of the rejection of claims 5, 6, 11, 12, 15, and 16 under 35 U.S.C. §112, second paragraph, and further request allowance of these claims.

**CLAIMS 5, 6, 11, 12, 15, AND 16 ARE NOT INDEFINITE UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

The Applicants respectfully traverse the Section 112, second paragraph, rejection of claims 5, 6, 11, 12, 15, and 16.

All of the Section 112 rejections are made in view of designations in the claims such as "a second differential receiver" where no "first" differential receiver had been previously introduced in the claim or parent claim. The basis for each rejection is summed up in the Final Office Action at page 3, lines 6-10 as follows:

A second differential receiver without introducing [sic] first differential receiver, and a second and third reference voltage without introducing [sic] first voltage, for example claim 5, make the [sic] claim 5 indefinite [sic] that there is insufficient antecedent basis for the limitation in the claim.

21 The electronic circuit which is the subject of the present invention employs multiple  
22 instances of certain components such as differential receivers, multiplexers, and reference  
23 voltages. The Applicants have chosen to use ordinals (e.g., first, second, third, etc.) to  
24 differentiate these components in the disclosure. For example, the disclosure refers to a "first  
25 differential receiver 302," a "second differential receiver 203," and a "third differential receiver

1       206." In order to clearly and distinctly claim the subject matter which the Applicants regard as  
2       the invention, the Applicants have chosen to maintain the same ordinals in the claims to  
3       distinguish between components of the same type. That is, the components named using ordinals  
4       in the claims correspond exactly with the components named with the same ordinals in the  
5       disclosure. For example, claim 5 refers to "a reference voltage multiplexer connected to receive  
6       a first digital signal as a control signal, and having **second and third reference voltage inputs**"  
7       and further refers to "**a second differential receiver** having a positive input connected to receive  
8       the combined signal, and a negative input connected to receive an output of the reference voltage  
9       multiplexer." The second and third reference voltage inputs and the second differential receiver  
10      referenced in claim 5 are first identified in the disclosure in the following passage which begins  
11      at page 8, line 26 of the disclosure.

12           Decoding arrangement 201 includes reference voltage multiplexer 202 and second  
13       differential receiver 203. Multiplexer 202 receives second and third reference  
14       voltage inputs (V2 and V3) and is controlled by signal A to pass one of those  
15       reference voltages to the negative input of differential receiver 203.

16       All of the elements in this passage are shown in Figure 2.

17           As shown in Figure 1 of the present application, the three circuits that are communicating  
18       with each other each have a respective decoding arrangement, 110, 112, or 114. As shown in  
19       Figures 2 through 4, each of these decoding arrangements includes a specific decoding circuit for  
20       decoding a respective signal from the combined signal. For example, Figure 2 shows a second  
21       signal (signal B) decoding circuit 201, while Figure 3 shows a first signal (signal A) decoding  
22       circuit 301. Claim 5 happens to claim the specific decoding circuit shown at 201 in Figure 2. A  
23       comparison of decoding circuit 201 and decoding circuit 301 reveals that circuit 201 does not

1 include the element referenced as the first reference voltage V1. Thus, since claim 5 is directed  
2 to decoding circuit 201, claim 5 does not describe a first reference voltage input, but does refer to  
3 the second and third reference voltage inputs. Also, although decoding circuit 201 includes the  
4 second differential receiver 203, it does not require the component disclosed as the first  
5 differential receiver, which is shown at 302 in Figure 3 and described in the disclosure at page 9,  
6 lines 15-17. Thus, claim 5 refers to "a second differential receiver" but does not refer to the first  
7 differential receiver.

8 Indefiniteness based on lack of antecedent basis may arise in some cases when a definite  
9 article such as "the" is used to introduce an element for the first time in a claim, or when a  
10 definite article is used to reference an element where two or more of the same element have  
11 previously been referenced. In these cases it may be unclear as to which particular element is  
12 being referenced in the claim. See M.P.E.P. §2173.05(e). However, a reference to "a second  
13 element X" without any previous reference in the claim to "a first element X" does not raise any  
14 antecedent basis issue.

15 The definiteness inquiry under 35 U.S.C. §112, second paragraph, is whether the claim  
16 language makes the scope of the claim clear to a hypothetical person possessing the ordinary  
17 level of skill in the pertinent art. M.P.E.P. §2171. If the claim language is such that the scope of  
18 a claim would be reasonably ascertainable by those skilled in the art, then the claim is not  
19 indefinite. *Ex parte Porter*, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992). Furthermore,  
20 **the definiteness of language employed in a claim must not be viewed in a vacuum, but**  
21 **always in light of the application disclosure.** *In re Moore and Janoski*, 169 U.S.P.Q. 236, 238  
22 (C.C.P.A. 1971).

1       In the present application, each of the currently rejected claims properly introduces each  
2 new component with an indefinite article and references each previously introduced component  
3 with a definite article. Thus, no antecedent basis issue arises in any of these claims. There is  
4 simply never any issue as to which component is being referenced in the claims. Furthermore,  
5 the meaning and scope of each rejected claim is readily ascertainable simply by reference to the  
6 disclosure because the same language used to name components in the claims is also used to  
7 reference components in the disclosure. Thus, for example, it is clear that the "second  
8 differential receiver" referenced in claim 5 refers to the second differential receiver 203  
9 introduced in the disclosure at page 8 and shown in Figure 2. Because the scope of the rejected  
10 claims is abundantly clear when considered in view of the application disclosure, the claims are  
11 by no means indefinite under 35 U.S.C. §112, second paragraph.

12       For all of these reasons, the Applicants respectfully request that the rejections under 35  
13 U.S.C. §112, second paragraph, be withdrawn and the case allowed.

1 CONCLUSION

2 For all of the above reasons, the Applicants respectfully request reconsideration of claims  
3 5, 6, 11, 12, 15, and 16 and allowance of these claims along with the previously allowed claims,  
4 claims 1-4, 7-10, 13, 14, and 18. If the Examiner should feel that any issue remains as to the  
5 allowability of these claims, or that a conference might expedite allowance of the claims, he is  
6 asked to telephone the Applicants' attorney, Russell D. Culbertson, at the number listed below.

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8 Respectfully submitted,

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10 The Culbertson Group, P.C.  
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14 By: \_\_\_\_\_  
15 Russell D. Culbertson, Reg. No. 32,124  
16 Trevor Lind, Reg. No. 54,785  
17 1114 Lost Creek Boulevard, Suite 420  
18 Austin, Texas 78746  
19 512-327-8932  
20 ATTORNEYS FOR APPLICANTS  
21  
22 CERTIFICATE OF FACSIMILE  
23  
24 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark  
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27  
28 Russell D. Culbertson, Reg. No. 32,124  
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